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Prize Cases

SUPREME COURT OF THE UNITED STATES.

No. ~~[illegible]~~ 99
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THE UNITED STATES, LIBELLANTS AND APPELLANTS,

vs.

THE BARK SCIENCE AND CARGO.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

GOVERNMENT PRINTING OFFICE.

affirm
with damages & cost

SUPREME COURT OF THE UNITED STATES.

No. 288.

THE UNITED STATES, LIBELLANTS AND APPELLANTS,

vs.

THE BARK SCIENCE AND CARGO.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

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1 United States district court, eastern district of Louisiana.

THE UNITED STATES OF AMERICA
against
THE BARK SCIENCE, her tackle, &c., and cargo. } In prize.

To the Honorable Edward H. Durell, judge of the district court of the United States for the eastern district of Louisiana:

The libel of information in prize filed herein by Rufus Waples, attorney of the United States for the eastern district of Louisiana, on behalf of said libellants and of the naval captors in interest, respectfully represents to this honorable court:

First. That the bark or vessel called the Science, with the goods, wares, and merchandise laden therein, was captured as lawful prize on or about the 5th day of November, 1863, and was brought to this port by the United States steamer Virginia, Charles H. Brown, United States navy, commanding.

Second. That the bark or vessel called the Science, with the goods, wares, and merchandise laden therein, were at the time of such capture, and are now, rightfully subject to such capture, and were and are lawful prize, and as such should be condemned and forfeited to the use of the libellants.

Third. That the said bark or vessel called the Science, with the goods, wares, and merchandise laden therein, have been brought to the port of New Orleans, and are now at said port, and within the jurisdiction of this honorable court.

Fourth. That by reason of the premises, the said bark or vessel called the Science, her tackle, apparel, and furniture, with the goods, wares, and merchandise laden therein, became and are liable to condemnation and forfeiture as lawful prize, and should be condemned and forfeited as lawful prize to the libellants.

That all and singular the premises are and were true, and within the jurisdiction of this honorable court; in attestation whereof, the said attorney exhibits the said vessel's papers, and the documents, &c., found on board, together with the testimony of the witnesses, duly taken in *preparatorio* by the prize commissioners appointed by this honorable court, which are or will be duly filed in the registry of this court.

Wherefore the said attorney of the United States, on behalf of the said United States, prays the usual process and monition of this honorable court against the said bark or vessel called the Science, and her tackle, apparel, and furniture, and the goods, wares, and merchandise laden therein, in this behalf to be made, and that all persons interested in the said vessel and her cargo may be cited to answer in the premises; and that all due proceedings being had therein, this honorable court may be pleased to decree for the condemnation and forfeiture aforesaid, and that the said bark, her tackle, apparel, and furniture, with the goods, wares, and merchandise laden therein, may be condemned as lawful prize to the use of the said United States.

Dated New Orleans, November 27th, 1863.

(Signed) RUFUS WAPLES,
United States District Attorney.

2 Let admiralty process issue as prayed for.
Dec'r 5th, 1863.

K. LOEW, *Dep. Clerk.*

3 The President of the United States of America to the marshal of the eastern district of Louisiana, or to his lawful deputy, greeting:

You are hereby commanded forthwith to seize and into your possession

take the bark Science, her tackle, &c., and cargo, now libelled by the United States for the causes set forth in the libel now pending in the district court of the United States for the eastern district of Louisiana; that you do cite and admonish the owner or owners and all and every other person or persons having or pretending to have any right, title, or interest in or to the same, to be and appear before a district court of the United States for the district aforesaid, to be holden at the city of New Orleans, on or before the third Monday from the service hereof, to show cause, if any they have or can, why the said bark Science, her tackle, &c, and cargo, should not be condemned as prize forfeited to the U. S., sold, and the proceeds thereof distributed according to law and agreeably to the prayer of the libellant. And how you have executed this warrant, that you make return according to law.

Witness the Honorable Edward H. Durell, judge of the said court, at New Orleans, this 5th day of December, 1863, and the 88th year of the independence of the United States.

K. LOEW, *Dep. Clerk.*

4 *Marshal's return.*

Received 7th December, 1863. The usual formalities of seizing having been perfected under a previous legal process, proceeded to perform the additional legal requisites by serving copies of the ad. warrant and libel on Jno. Dixon, on board, and on Captain John Read, No. 153 St. Charles st., and publishing monition in the Era, a daily newspaper printed in New Orleans, on the 11th, 18th, 19th, 22d, 25th December, 1863. Returnable December 28, 1863.

J. G. A. HOIT, *Dep. U. S. Marshal.*

5 *In the matter of the bark Science and cargo, a prize.*

PRIZE COMMISSIONER'S OFFICE,
New Orleans, Nov. 26, 1863.

To the hon. the judge of the district court of the United States for the eastern district of Louisiana:

The undersigned, prize commissioners of the honorable court, respectfully report that on the 24th day of November, A. D. 1863, they received notice from Lewis G. Cook, acting master st'r Virginia and prize master of the bark Science, that the said Lewis G. Cook brought with him into this city a certain vessel, called the Science, and cargo, as a prize of the U. S. st'r Virginia; that said bark had been captured on Thursday, the 5th day of November, 1863, on or about 10 o'clock a. m., for violating the rules governing the blockade at present instituted by the U. S. government, and the said Cook and a prize crew had been appointed by said Charles H. Brown, commanding, to bring said prize into this port, and report her, as required by the law and the usages in such cases observed.

That the said prize master did seasonably deliver to us all such papers, passes, documents, &c., as were found on board of the captured bark, and having a reference to and a connection with the captured property, and which were in the possession, custody, or power of the captors, which
6 documents were by one of us prize commissioners regularly marked and numbered from 1 to 18, being eighteen in number, and the said prize master made a deposition identifying said documents and complying in all respects with the law; which deposition and the said documents are herewith transmitted to your honorable court.

That on the same day the said prize master produced to me three witnesses,

persons captured with the said bark, to wit: 1st. John Read, captain of said vessel; 2d. John Randall, mate of said vessel; 3d. John Johnson, steward of said vessel.

That we examined said three persons in *preparatorio* upon the standing interrogatories which have been adopted by the honorable court, as the same are found in Upton's Work on Prize Courts, (page 479, 3d edition;) that said witnesses were examined separately on oath, and not in presence
7 of each other, and unattended by counsel, after each had taken the necessary and prescribed oath to make true answers, &c., which answers were written down as required by law, each one separately to each interrogatory and when entirely answered the said answers were signed by each witness, respectively, as the same are now transmitted to your honorable court.

That we proceeded aboard of said vessel, the Science, and examined her condition, and that it was impossible to state whether bulk had been broken or not; that the cargo consists of 341 bales of cotton, 30 slabs of copper, and that it is impossible to ascertain exactly the nature or quality of the cargo without an unloading and undelivery of the same, which proceeding we now recommend to the honorable court; that we secured the hatches of said bark with a view to the protection of the cargo until it is undelivered.

That we took possession of the said bark and cargo on the 26th day of November, 1863, and turned over the same to J. Graham, U. S. marshal of this court, who is to safely keep the same until further order of the court. All of which, including the deposition of said Cook, with the documents by him identified, and the answers to the interogatories taken as above, are now securely sealed, and are hereby submitted to this honorable court and deposited in its custody.

MICHAEL HAHN,
ALFRED SHAW, (*special,*)
U. S. Prize Commissioners.

8 *In the matter of the bark Science and her cargo, a prize.*

District court of the United States for the eastern district of Louisiana.

Lewis G. Cook, acting master and prize master of the bark Science, detached from the U. S. st'r Virginia, of which Charles H. Brown is commander, being duly sworn, deposes and says that the bark Science was captured on the 5th day of November, 1863, in the afternoon, near the mouth of the river Rio Grande, the bar at the mouth of which, bearing W. by S. ½ south by compass, for violating the rules governing the blockade at present instituted by the U. S. government; and said L. G. Cook deposes and says that certain papers, marked from 1 to 18, inclusive, and further identified by the initial letters put on them by Special Prize Commissioner Alfred Shaw, are the same that were captured with the bark Science, and that the deponent has delivered to the prize commissioner each and every document, paper, and writing whatsoever, received by him relating to the aforesaid captured property in the same state and condition in which he received them, without "fraud, subornation, or embezzlement," and without any addition or alterations whatsoever; and he does not know, nor does he believe, that any of the documents are missing or wanting.

And deponent further says that if at any time hereafter, and before the final condemnation or acquittal of said captured property, any further or other paper relating thereto shall be found or discovered to his knowledge they shall be delivered up, or information thereof given to the prize commissioners of this district, or to the honorable court.

LEWIS G. COOK, *Acting Master.*

Sworn to and signed before me, special prize commissioner, this the 24th day of November, 1863, New Orleans, La.

ALF. SHAW, *Special Prize Commissioner.*

9 *Letter from captain of the Monongahela.*

U. S. STEAM SLOOP MONONGAHELA,
Brazos de Santiago, Texas, November 6, 1863.

SIR: I have the honor to present the claim of the officers and crew of this ship, who are entitled to share in the prize bark Science, captured by the Virginia off the Rio Grande on the 5th inst.

This ship and the gunboat Owasco were within signal distance at the time of the capture.

A prize list has been forwarded to the Navy Department.

Very respectfully, your most ob't serv't,

J. H. STRONG, *Commander.*

To the Hon. JUDGE *U. S. dist. court, N. Orleans, La.*

P. S.—If other evidence of signal distance is required, all the officers of the ship will testify to the fact.

J. H. STRONG.

10 *New Orleans, Nov'ber* 26, '63.

Rec'd from Lewis G. Cook, acting master U. S st'r Virginia and prize master of the bark Science, the said bark Science, her tackle, apparel, and furniture and cargo, as she now lies at post 30, 1st district.

ALFRED SHAW, *Special Prize Comm'r.*

NEW ORL'S, *Nov'r* 25, 1863.

James Graham, esq., U. S. marshal:

You will please take in charge the prize bark Science, her tackle, &c., and cargo, as she now lies at post 30, 1st district.

ALFRED SHAW, *Special Prize Comm'r.*

11 *In the matter of the bark Science and cargo, a prize.*

District court of the United States for the eastern district of Louisiana.

Deposition of John Read, capt. of bark Science, a witness produced, sworn, and examined in *preparatorio* on the 24th day of Nov'ber, in the year eighteen hundred and sixty-four, at the prize commissioner's office, on the standing interrogatories established by the district court of the United States for the eastern district of Louisiana; the said witness having been produced for the purpose of such examination by —— ——, in behalf of the captors of a certain vessel called the ———.

To the first interrogatory the witness answers:

1st. I was born in Portland, in the county of Dorset, England. I live at Tramore, in the county of Waterford, Ireland. I have lived there for the last twelve months. I am a subject of Great Britain. I am not a citizen of the United States. I am a married man; my wife and family reside

12 at the aforesaid Tramore.

2d. I was present at the capture of the Science and cargo.

3d. The seizure was made on the 5th of Nov'ber, off the Rio Grande. The Rio Grande bore true bearing W. ¼ S. about 2½ miles, and the Science was brought to New Orl's by a prize crew from the U. S. st'r Virginia. The Science had no commission or letters authorizing her to make prizes. The seizure was made on suspicion of having brought goods contraband of war from London to Matamoras.

4th. The bark Science sailed under English colors, and had no other national colors on board.

5th. There was no resistance made at the time of the capture. The seizure was made by the commanding officer of the U. S. st'r Virginia. There were no guns fired. There were a whole fleet of vessels discharging and
13 loading around about us. The vessel captured was a merchantman. The Virginia was a U. S. gunboat.

6th. I do not know whether the Virginia had a commission to make prizes. The capturing vessel was the Virginia. The Science has never been condemned.

7th. The name of the vessel taken was the Science, and her master's name Jno. Read. I was appointed to the command of the vessel by the managing owner; his name is John Angel, at London. I have known the vessel for the last 20 years and the owner since I had any knowledge of any one.

8th. The Science is of 306 tons burden, registered. There were eleven all told belonging to the Science, but there were ten on board at time of the capture, one having deserted whilst off the Rio Grande. They are all
14 foreigners, no American subjects on board. They all came on board at the same place, and nearly at the same time. I shipped them all in the month of June last.

9th. I belonged to the vessel taken, in the capacity of master. Neither myself nor any of the officers or crew had any interest in the vessel or cargo.

10th. I have known the vessel for twenty years. I first saw the vessel in the United Kingdom of Great Britain. She carried no guns mounted, but had 2 old 4-pounders in the hold, which have been in the Science for years. There were 10 men on board before and after the capture. The Science is British built. Her name is the Science, and has always been called so.

11th. The voyage began at London, and would have ended at Liverpool on her return from the Rio Grande. We were then (that is, at the time of the capture) off the Rio Grande, and had discharged our cargo for Mata-
15 moras. We carried a cargo of general merchandise to Matamoras, and had on board at the time of the capture 344 bales of cotton and 30 slabs of copper, besides about 80 tons of sand and stones as ballast. The outward cargo from London to Mat'os was shipped in June, '63, and the return cargo for L'pool was put on board in the month of October. To the best of my knowledge she had on board on her outward voyage no goods contraband of war.

12th. The Science had no passport or seabrief on board. The vessel captured sailed on her last voyage direct from London to Matamoras. The last voyage began at London and was to end at Liverpool. The vessel carried on the voyage previous to the one on which she was captured a cargo of sugar and molasses from the West Indies to London. The vessel sailed from London, her last clearing port, on the 13th, 14th, or 15th
16 of June, 1863, I do not remember exactly which.

13th. The cargo of the Science on her last voyage from London to Matamoras consisted of about 4,000 boxes of brandy, about 30 tons of bar and bundle iron, and 587 or thereabouts bales of mchdze. the contents of which I do not know. They were put on board at London in the month of June, '63.

14th. The managing owner was Jno. Angel; the owners of the cargo were Wolf & Hildesheim. The cargo is consigned to them, that is why I know they are the owners, and they also told me they were. The owners of the vessels are all British subjects, and of the cargo I believe the owners are British subjects residing in Matamoras. I know nothing more about them.

15th. The vessel had not changed owners for the last 7 years.

17 16th. The cargo found on board at the time of her capture was put on board at the same place we had discharged our previous cargo, and was put on board in the month of Oct., 1863. The name of one of the laders was Foke & Wilkins, of Matamoras. The name of the other shippers, not having signed bills of lading, I do not know. I do not know who were the consignees at Liverpool for the same reason before expressed.

17th. There were no bills of lading signed for the cargo or any portion thereof, as the vessel was only about ⅔ds loaded.

18th. There were no papers on board concerning the cargo, except the shipping notices, reading, please receive so many bales of cotton by such and such a lighter, signed by the owners of the lighters.

There were papers on board, showing the ownership of the vessel, which were taken by the commanding officer of the Virginia.

18 19th. The Science was captured in 25° 57′ north latitude and 97° 7′ west longitude, off the Rio Grande, on the 5th of Nov'ber, 1863, at 10 a. m. There was a charter-party signed for the voyage upon which we were captured, which charter-party was taken by the Virginia.

20th. I do not know of Matamoras being blockaded either now or at any previous time by the U. S. naval forces. All the necessary papers connected with the voyage were aboard at the time she took her departure from her last clearing port. There were none burnt, torn, thrown overboard, destroyed or cancelled, or attempted to be cancelled.

22d. Matamoras was not under an order of blockade by the United States.

23d. The vessel was boarded and papers and cargo examined by a boarding officer of the U. S. gunboat Princess Royal, on the 11th of August,

19 1863, some ten miles from the Rio Grande; also by a boarding officer from the Virginia on or about the 1st day of Oct'r, 1863, who examined the papers and cargo. The register was not endorsed by any of the boarding officers.

24th. The U. S. government had not blockaded the port.

25th. The Science has never been seized or condemned as prize at any former time.

26th. I have sustained a very considerable loss by the seizure of the Science; by the detention of the vessel; by expenses incurred through the detention of the vessel which would otherwise never have been incurred, &c.

27th. I cannot positively say whether the vessel and cargo are insured.

28th. Not having signed bills of lading, I cannot answer that question.

20 29th. I saw at the consignee's office at Matamoras a document signed by the United States consul there, that the cotton on board was shipped by merchants of Matamoras, and had passed through the Mexican custom-house. I do not know where the cargo was raised.

30th. The cargo was put on board the Science by lighters.

31st. There are some papers concerning the vessel in the hands of the British consul at Matamoras; and the papers relating to the cargo, I suppose them to be in the hands of the shippers at that port.

32d. The papers concerning the vessel were taken by the commanding officer of the Virginia, and I believe the same are now in the hands of the prize commissioner.

33d. The outward cargo had been all discharged at Matamoras, and bulk had not, to my knowledge, been broken since the capture.

21 34th. There were no passengers on board on our outward voyage. There were no persons on board at the time of the capture who were citizens or residents of any State or Territory then in a state of war with the United States.

35th. All the papers on board were entirely true and fair, and were ob-

tained for this vessel only, and the fees for which had been paid. No persons on board had any passports or letters of safe conduct. I have signed papers concerning the capture of the vessel, which are now in the hands of the British consul at Matamoras, and Wolf & Hildesheim.

36th. The vessel was at anchor off the mouth of the Rio Grande at the time of her capture, and on her outward voyage from London had always sailed direct for Matamoras when wind and weather permitted.

37th. There were no guns mounted on board, as I said before;
22 there were in the hold of the vessel, mixed with the ballast, 2 old and useless four-pounder guns. There were no warlike arms other than I have described on board, nor were there any goods contraband of war, to my knowledge, on the vessel.

38th. As I said before, the vessel had not changed owners within the last seven years.

39th. The vessel was destined for Liverpool on the completion of her loading. I do not know who owned the cotton. I have mentioned the owner of the vessel.

40th. The Science did not sail under the convoy of any ship or ships of war on the voyage in which she was taken.

41st. The Science never attempted to enter any blockaded port.

42d. The vessel captured had no commission or letters of marque
23 or reprisal, or as privateer.

43d. The Science never sailed or acted in concert with any armed vessel or vessels whatever.

JOHN READ.

Sworn to and subscribed before me this 24th day of November, 1863.
ALFRED SHAW, *Special Prize Commiss'r.*

24 *In the matter of the bark Science and cargo, a prize.*

District court of the United States for the eastern district of Louisiana.

Deposition of John Randall, mate of the Science, a witness produced, sworn, and examined in *preparatorio* on the 24th day of November, in the year eighteen hundred and sixty-three, at the office of A. Shaw, special prize commissioner, on the standing interrogatories established by the district court of the United States for the eastern district of Louisiana, the said witness having been produced for the purpose of such examination by Rufus Waples, esq., U. S. district attorney, in behalf of the captors of a certain vessel called the bark Science.

To the first interrogatory the witness answers:

1st. I was born in England; I live now at Chickerall, England; lived there since I was born; I am a subject of Great Britain, to which country I owe allegiance. I am not a citizen of the United States; am unmarried.

2d. I was present at the capture of the Science and cargo.

25 3d. The seizure was made in November last, on the Rio Grande, 2 miles from the bar at Matamoras; the captured vessel was brough to New Orleans.

4th. She sailed under English colors; she had no other colors.

5th. No resistance was made when we were captured; no guns fired; we were taken by the Virginia, a U. S. ship-of-war; don't know her force; there were other ships in sight at the time of her capture; our vessel is a merchantman; she had no letters of marque, or commission to make prizes; the capturing vessel was a man-of-war.

6th. I don't know that the capturing vessel had any commission to make prizes. The Science was never condemned to my knowledge.

7th. The name of the captured vessel is the Science; the name of
26 her captain is John Read; John Angel, of Portland, appointed him captain some time last May. I have known the vessel since 25th May, 1863, and the captain at the same time; the captain took possession of the Science at London; the captain lives at Tramore, Ireland, with his family; he is a subject of Great Britain.

8th. The registered tonnage of the Science is 306 tons; the crew consisted of 10 men, all told, when the vessel was taken; the master and myself are Englishmen; some of the crew claim to be Prussians; one is a Belgian; they all came aboard at London, and at the same time; they were shipped by the captain through a shipping office.

9th. I belonged to the crew as mate at the time of seizure; I had no interest in the cargo or vessel, and I do not know that any of the crew
27 had an interest in the same.

10th. I know the vessel since 25th May, 1863; saw her first at London; she had 2 guns, but they were not mounted; they lay in the hull of the vessel. When we left London we had a crew of 11 men, and when taken we had 10, because one had run away. The Science is an English built ship; her name was the Science, and was so called ever since I knew her; she had no other name that I know of.

11th. She was bound to Matamoras when she was taken; the voyage began at London, and was to have ended at any port of the United Kingdom of Great Britain and Ireland; the Science had for cargo various bales of merchandise, and certain cases, said to contain brandy, when she left London; she had also some iron; when she was taken she had cotton on board,
28 as the cargo brought from London had already been delivered; the cargo was put aboard in the latter part of May and first part of June, in London; I don't know that she had any contraband goods on board.

12th. I know nothing about passports or seabriefs of the Science; I don't know to what port the Science sailed on her voyage prior to the one in which she was taken, as I did not belong to the vessel then; the voyage in which our vessel was taken began at London, and was to have ended at any port of England; I don't know what cargoes were carried on board the Science previous to the voyage from London to Matamoras, as I came on board at London; her last clearing port was London, from which we sailed about beginning of June.

13th. She had brandy, bales of merchandise, one or two of which bales,
29 when we were discharging at Matamoras, being a little torn, I saw contained grey woolen cloth; she had also about 30 tons of round and flat iron; the cargo was put on board at London about the latter part of May and the beginning of June.

14th. Mr. John Angel is one of the owners of the vessel; some of the names of the other owners I have heard, but do not remember; I do not know who were the consignees or owners of the cargo taken on board at the time of the capture; Mr. Angel is an Englishman; I cannot say what the others are, never having heard.

15th. I know nothing in regard to bills of sale; I never heard of the vessel being sold.

16th. The lading was put on board at London in the latter part of May, and the beginning of June, '63; I have forgotten the name of the laders; the
30 name of one consignee I remember; it is Hildesheim; the other I do not recollect; I know not where Hildesheim was born; I do not believe he is an Englishman; I think he is a German; I do not know if the consignees owned the outward cargo from London; the cargo found on board was put there in the month of October; I believe there is 344 bales of

cotton on board, and 30 pieces of lump copper; the name of one of the laders I think is Foke, another, Wilkins; never heard any others that I remember; I do not know who the consignees in England are.

17th. I do not know whether there were any bills of lading signed for the goods on board the Science at present; I have no papers concerning either vessel or cargo; I had no interest in either, nor had the captain, to my knowledge.

To 19th. I believe the vessel was in latitude 25° 57′, and the longitude, I am not certain whether it was 96° 10′, or 97° 10′. We were 2 miles outside of the bar; the capture was made on 5th November, '63, on Thursday,
31 at 10 a. m., off the Rio Grande; I believe there was a charter-party signed for the voyage, and I think it was given up to the capturing vessel.

20th. There were no papers destroyed in any way, or concealed, or cancelled, either before or after her capture.

21st. I did not know, nor do I believe, it was blockaded by the U. S. naval forces; it is Matamoras, a Mexican port.

22d. I do not know of Matamoras being blockaded by the U. S. naval forces.

23d. The boarding officer of the Princess Royal came on board while about 10 or 12 miles of the place we were captured, and examined our
32 papers and cargo; we were also boarded by an officer of the Virginia, not the commander, while discharging our cargo; he examined the cargo; I suppose he examined the papers; I do not know of our being boarded at any other time, until the commanding officer of the Virginia captured us.

2th4. The vessel captured never attempted to run the blockade.

25th. The Science has never, to my knowledge, been seized or condemned as a prize.

26th. I have not lost anything as yet by the capture of the vessel.

27th. I do not know whether either vessel or cargo are insured.

28th. Not knowing the consignees of the cotton, I do not know who would have owned it had we arrived at our destined port.

33 29th. I do not know where the cotton was raised.

30th. The cargo was put on board by lighters off Matamoras.

31st. I do not know where there are any other papers concerning the vessel and cargo, other than those taken by the boarding officer of the Virginia; I believe there were some of the British consul's at Matamoras.

32d. There were no other papers carried away, except those by the Virginia, to my knowledge.

33d. Bulk has not been broken since the vessel was captured.

34th. There were no passengers on board on the voyage from London to Matamoras; there were no citizens of the United States on board, nor of any State in rebellion to the United States.

35th. All the papers on board were true and fair, to my knowledge; they were obtained for this vessel only, and I believe they were all right;
34 I have signed receipts for cotton from lighters.

36th. The vessel at the time of her capture was at anchor off Matamoras, and had on her outward voyage always steered direct for that port, when the weather allowed us.

37th. I do not know of the vessel ever being sold or transferred.

38th. There were no guns mounted on board; the only guns I saw on board were two small 4-pounders in the hold, and no account, and two old pistols. I never saw or knew of anything being on board contraband of war.

39th. The Science started from London for Matamoras on a regular voy-

age, and after having discharged her cargo, was putting on board a return cargo for England when captured; I believe it was all fair and
35 regular.

40th. The Science never, to my knowledge, sailed under the convoy of any ship or ships of war, or any armed vessel or vessels whatever.

41st. The Science never, to my knowledge, attempted to enter any port under an order of blockade by any belligerent power.

42d. The vessel captured never carried a commission or license as a privateer, or letter of marque and reprisal, or any authority whatever to cruise against the persons or property of citizens of the United States of America.

43d. The Science never sailed in company with any armed vessel or vessels whatsoever since I have known her.

JNO. RANDALL.

Sworn to and subscribed before me this 24th November, 1863.
ALFRED SHAW, *Special Prize Commiss'r.*

36 *In the matter of the bark Science and cargo, a prize.*

District court of the United States for the eastern district of Louisiana.

Deposition of John Johnston, steward of Science, a witness produced, sworn, and examined in *preparatio* on the 27th day of Nov'ber, in the year eighteen hundred and sixty-three, at the prize commissioner's office, on the standing interrogatories established by the district court of the United States for the eastern district of Louisiana. The said witness having been produced for the purpose of such examination, by R. Naples, esq., U. S. dist. att'y, in behalf of the captors of a certain vessel called the Science.

To the first interrogatory the witness answers:

1st. I was born in the East Indies. I live in London, and have lived there for the last two years and a half. I am a subject of the Nelgrez Islands which are British islands. I believe I can claim to be a British subject. I am not a citizen of the U. S. I am not married.

37 2d. I was present at the capture of the Science and cargo.

3d. The capture was made off the mouth of the Rio Grande about 5 or 6 miles off the bar, and the vessel captured was brought to New Orleans. The Science had no commission authorizing her to make prizes. I never heard any reason given for the capture.

4th. The Science sailed under English colors. We had no other colors on board that I know of.

5th. There was no resistance made at the time of the capture. There were no guns fired. The capture was made by the U. S. str. Virginia. There were other ships in sight at the time of the capture. The Science was a merchantman. I do not know who owned her.

38 6th. The capturing vessel was a ship-of-war. I know not her force. I do not know whether she had any commission authorizing her to make prizes. The Science has not been condemned as yet.

7th. The name of the vessel taken was the Science. Her master's name is Jno. Read. I do not know where or when or who appointed him captain. I have known the Science since the 1st of June, 1863, and the captain the same time. I first saw him on board the Science at London. I do not know where the captain lives. I do not know whether he is married or where he was born. I do not know of what country or state he is a subject or citizen.

8th. I do not know the tonnage of the Science. There were 10 men on board at the time of the capture, all told, and all belonged to the vessel. They are Dutch, Irish, and of other nations. They all came on board at London at nearly the same time, in the beginning of June. The cap-
39 tain hired them.

9th. I belonged to the Science at the time of her capture in the capacity of steward. The capt. and mate and crew, to my knowledge, owned no part in the vessel or cargo.

10. I first saw the Science in London, in June, '63. The Science carried no guns that I know of. There were 10 men on board when captured. I do not know where built. I never heard her called by any other name than the Science.

11th. The Science was on a voyage from London to Matamoras, on the voyage on which she was taken, and had arrived at the latter place about three months previous to the capture, and discharged all her outward cargo, and was then loading for Liverpool, where the voyage was to have ended.

She had on board on leaving London cases of brandy and bales of
40 merchandise; and at the time of capture had on board over 300 bales cotton, which was put on board in the month of Oct., 1863. I do not know whether on the voyage to Matamoras she had on board any contraband goods.

12th. I do not know if the Science had any passport or seabrief on board after leaving London. She sailed direct for Matamoras, where we were when captured, and had then brought a cargo of brandy and bales of mdse. The last clearing port was London, which we left on 9th of June, '63.

13th. At time of leaving London we had on board cases of brandy and bales of mdse.; and when captured had on board cotton, which had been put on board in the month of Oct'r last.

14th. I do not know who owned either the vessel or cargo concerning which I am now examined.

41 15th. I do not know of the bark Science being sold at any time.

16th. The lading found on board the Science at the time of her capture was put there in the month of October, 1863, off the Rio Grande, where we were anchored when captured. I do not know the laders or consignees.

17th. I do not know whether there were any bills of lading signed for the cargo.

18th. I know nothing of the papers.

19th. I do not know the latitude or longitude of the vessel when captured. She was at anchor off the Rio Grande, about 5 or 6 miles from the bar of the river. The capture was made on Thursday, 5th Nov'ber, '63, near the Mexican port of Matamoras. I do not know of any charter-party being signed for the voyage.

42 20th. I do not know anything of the papers.

21st. I do not know of Matamoras being blockaded.

22nd. Matamoras was not under an order of blockade by the U. S. when we entered.

23rd. When we sighted Matamoras the Princess Royal boarded us and examined our papers and cargo. An American steamboat and officers examined our papers and cargo when we were about two thirds discharged at Matamoras. The last steamer that examined us was the Virginia, who took us as a prize.

24th. The Science never attempted to run the blockade that I know of.

25th. The Science has never, to my knowledge, been seized or condemned as prize.

43 26th. I have sustained no loss as yet by the capture of the Science.

27th. I do not know whether the vessel or cargo are insured.

28th. I do not know who were the owners of the cargo which we have aboard.

29th. I do not know where the cargo was raised.

30th. The cargo was put on board by means of lighters.

31st. I know nothing of the vessel's papers.

32d. I do not know of any papers being carried away.

33rd. Bulk was not broken since the capture.

34th. There were no passengers on board on the trip from London to Matamoras. There was no one else on board at the time of capture but the crew and officers. There was the stevedore, who was loading the vessel, on board. The prize master sent him ashore.

35th. I know nothing of the papers.

36th. The vessel when captured was at anchor off Matamoras, and had, when on her voyage to that place, always steered direct for it when wind and weather permitted.

37th. I know nothing of the sale or transfer of the vessel.

38th. There were no guns mounted on board. I do not know whether we had on board when taken anything contraband of war.

39th. The vessel set out in June last from London on a voyage to Matamoras, with a cargo for Matamoras, at which place she was to receive a return cargo for Liverpool.

40th. The Science has never sailed, to my knowledge, with any ship or ships of war or any vessel or vessels whatever.

41st. The science, on the voyage on which she was captured, never attempted to enter any port under an order of blockade by the U. S. government, that is to the best of my knowledge.

42nd. The Science never sailed, to my knowledge, with any commission or letters, or any authority to authorize her to make prizes, to cruise against the property or persons of the U. S.

43rd. The Science never acted in concert with any vessel whatever.

JOHN JOHNSON.

Sworn to and subscribed before me this 27th day of November 1864.

ALF. SHAW, *Special Prize Comm'r.*

Letter of instructions to the master of the Science.

No. 77 Cornhill, E. C., *London, June 10th*, 1863.

Capt. Read, barque Science:

Dear Sir: We herewith beg to hand you documents named on the other side, which we hope you will find in order.

You will proceed direct to Matamoras, Mexico, according to charter-party, and on arrival there you will consign your vessel to the care of Messrs. Wolf & Hildeshiem, merchants in that port, and to whom the whole of your cargo is consigned; and you will please take their instructions in all matters relating to the charter, discharging, and loading; and on your return to Queenstown or to a direct port, (if so ordered at Matamoras,) you will please telegraph us of your arrival, upon which you will receive advice to proceed to a port of discharge, with name of house to whom you will consign the vessel.

Wishing you a prosperous voyage, we are, dear sir, yours truly,

JAMES BENNETT & WAKE.

List of documents.

Two cargo books, ship's register and custom's clearance, Mexican clearance, manifest of cargo, capt.'s copy of bill of lading, consignee's letter, letter relating to cargo, parcel addressed to Jas. J. Bennett, Eng., bill of health, ship's articles.

Letter from Bennett & Wake to the captain of the Science.

No. 77 CORNHILL, E. C.

Capt. John Read, barque Science:

48 DEAR SIR: In consideration of your signing the bills of lading clean, we hereby agree to hold you harmless for the chafing sustained in carriage by railway of the following bales:

[P]n 340, 349.—2 bales.

[B] 130, 276, 475, 488, 500, 527, 1059, 1062.—10 bales.

The above having been signed for by you as chafed and patched in the dock company's books.

We are dear sir, yours truly,

JAMES BENNETT & WAKE.

Certificate of deposit of ship's papers with British consul at Matamoras.

HER BRITANNIC MAJESTY'S VICE-CONSULATE, *Matamoras.*

I, Louis Blaeker, esq., her Britannic Majesty's vice-consul at Mata-
49 moras, do hereby certify that John Read, master of the British bark Science, of Waterford, arrived from London, and now lying in this port of Matamoras, hath duly deposited the ship's papers in this vice-consulate in conformity with the established regulations.

[SEAL.] Given under my hand and the seal of office, at the city of Matamoras, this 12th day of August, 1863.

By the vice-consul— PAUL ZURN,

H. B. Majesty's Vice-Consul.

Captain's bill of lading.

Shipped, by the grace of God, in good order and well conditioned, by Jas. S. Bennett & Wake, as agents, in and upon the good ship called Science, whereof is master, under God, for this present voyage Jno. Read, and now laying at anchor in the port of London, and by God's grace
50 bound for off the Rio Grande, Gulf of Mexico, for Matamoras, 6,913 pieces and packages of merchandizes, as per endorsement, and three trusses of samples, being marked and numbered as in the margin, and are to be delivered in like good order and well conditioned at the aforesaid off the Rio Grande, Gulf of Mexico. The act of God, the queen's enemies, fire, and all other and every the dangers and accidents of the seas, rivers and navigation of whatever nature and kind soever, excepted unto Messrs. Wolf & Hildesheim, Matamoras, or to assigns. Freight for the said goods to be paid, her ship lost or not lost, with primage and average accustomed. In witness whereof, I, the said master of the said ship hath affirmed to four bills of lading, all of this tenor and date, one of which being accomplished the others to stand void. And so God send the good ship to her desired port in safety. Amen.

Dated in London, the 9th day of June, 1863.

JNO. READ.

Weight and contents unknown. Not accountable for leakage, breakage, rust, or damage by vermin.

51 *Charter-party.*

It is this day agreed between Jno. Angel, esq., owner of the good ship or vessel called the Science, of the measurement of 306 tons, or thereabouts, now in St. Katharine's dock, Smith commander, and James J. Bennett & Wake, merchants and ship brokers and freighters, that the said

ship being tight and staunch, and strong, and in every way fitted for the voyage, shall, with all convenient speed, load in the Victoria London dock all such legal merchandise as may be sent alongside, and therewith proceed to Matamoras, Mexico, and there deliver the same as customary—no arms, ammunition, powder, shot or shell to be shipped—or so near thereunto as she may safely get, and thereafter discharge, reload from the factors of the above freighters a full and complete cargo of legal merchandise which the said freighters bind themselves to ship, not to exceed what she can reasonably stow and carry over and above her tackle, apparel, pro-
52 visions, and furniture; and being so loaded, shall therewith proceed to a safe port in the United Kingdom or continent between Howe and Hamburg, as ordered in signing B. L., or calling at Queenstown for orders, or so near thereunto as she may safely get, and deliver the same on being paid freights as follows: By the lump £1,900 for the full reach of ship's hold and cabins, in full of all port charges and pilotage as customary, (the act of God, the queen's enemies, fire, and all and every other dangers and accidents of the seas, rivers, and navigation of whatever nature or kind soever during the said voyage, always excepted;) the freight to be paid as follows, in cash, on ship being at Gravesend and dispatched, being handed the master, less 5% for interest commission and insurance, and balance one half at delivery in cash, and remainder by a good and approved bill on London at three months date, or cash equal thereto, at owner's option. 25 loading days in London, or £4 per day demurrage for any day beyond 60 running days, (Sundays excepted) are to be allowed to said merchants if the ship is not sooner dispatched, for loading, discharging, and reload-
53 ing the said ship at Matamoras, to commence and be computed from the several periods of the vessel being clear and ready for that purpose; the master giving freighters' agents written notice to that effect; and any days or demurrage over and above the said laying days at Matamoras at £7 per day. Sufficient cash for ordinary ship's disbursements to be advanced the master, not exceeding £200, at the current rate of exchange and paying insurance only.

All goods to be brought to and taken alongside at the expense and risk of the freighters; and the master to sign bills of lading at any rate of freight required without prejudice to this charter-party. The owner to have an absolute lien upon the cargo to all freights, dead freight and demurrage. The vessel upon her return to be addressed to O. Jelly Moore & Co., London, to whom the commission of 5 per cent. upon this charter-party is due, ship lost or not lost, and with whom the original charter-party is
54 deposited, penalty for non-performance of this agreement. The vessel to be addressed to the freighters' agents at Matamoras and point of discharge free of comm., but paying 2½ per cent. in London on completion of the voyage, any days not consumed in loading in London to be allowed charterers at Matamoras, charterers to have option of cancelling this charter by paying owners ten pounds per day for every day from the time the vessel is ready to receive cargo until notice of cancelling be given, and if any cargo on board, to be discharged at charterers' expense.

(Signed) JOHN ANGEL.
J. J. BENNETT & WAKE.

Witness to the signature J. Anel—
A. SOMBRE.

Witness to the signature of Bennett & Wake—
J. MAYHICK.

Endorsed: The vessel to be consigned to Messrs. Wolf & Hildeshiem,

Matamoras, 19 days expired on the charter, leaving 66 running days at Matamoras, Sundays excepted.

JOHN READ,
J. J. BENNETT & WAKE.

London 11 June, '63.

55 *Receipts for goods.*

No. 1. Rec'd in good order from the ship Science, Capt. Read, Londo in lighter of Messrs. Toakey & Wilkins, on account of Wolf & Hildesheim, merchants at Matamoras, the undermentioned goods, marks:

Bales 48—[B] No. 1062, 1061, 1060, 1066, 1054, 1055, 1059, 1063 1065, 591, 592, 1064, 1048, 1037, 597, 585, 588, 1049, 1036, 1045, 570, 1057, 1046, 1044, 1056, 593, 1050, 595, 580, 570, 578, 475, 488, 1047, 584, 577, 1041, 579, 581, 569, 610, 590, 489, 594, 501, 1039, 461, and 527; and 8 bales [P]n 337, 335, 330, 333, 325, 339 328, and 342; also 190 cases of brandy, and 3 sample bales.

(Sig.) THOS. MERCER, *Captain of Lighter.*

Matamoras, 23 Sept., 1863.

No. 2. Rec'd in good order from the ship Science. Capt. Read, from
56 London, in lighter of Messrs. Toakey & Wilkins, on acc't of Messrs. Wolf & Heldesheim and per order from them, the undermentioned goods:

[B] bales 35—Nos. 1033, 1040, 1035, 576, 574, 1042, 1058, 451, 1053, 571, 1052, 1043, 498, 442, 272, 467, 149, 340, 463, 444, 342, 431, 147, 407, 426, 423, 434, 455, 425, 430, 191, 448, 402, 462, 391.—(35) [P]n 11 bales—340, 345, 327, 329, 334, 346, 348, 338, 347, 344, 324, and 104 cases of brandy.

JOHN MUDD.

Matamoras, 26 Sept., '63.

No. 3. Rec'd in good order from the ship Science, Capt. Read, from London, in lighter of Messrs. Toakey & Wilkins, on acc't of Wolf & Hildesheim, as per order from them, the undermentioned goods, viz:

[B] bale 269, 1030, 458, 384, 281, 145, 410, 204, 344, 377, 459, 196, 343,
450, 465, 397, 437, 337 452, 457, 378, 438, 406, 445, 442, 443,
57 436, 439, 339, 350, 453, 517, 460, 390, 383, 347, 375, 194, 349,
415, 192, 449, 395, 387, 1027, 379, 195, 514, 520, 348, 589, 456, 575, 573—54 bales. [P]n 331, 338, 326, 341—4 bales. [D] 57, 132—2 bales; and 1 case add., and 93 cases of brandy—in all 154 packages.

ROB. CROAK.

Matamoras, 26 Sept., 1863.

No. 4. Rec'd in good order from the ship Science, Capt. Read, from London, in lighter of Toakey & Wilkins, for acc't of Messrs. Wolf & Hildesheim the undermentioned goods:

[B] 524, 469, 476, 1034, 148, 500, 511, 509, 522, 598, 599, 539, 497, 605, 1026, 494, 567, 611, 553, 601, 557, 493, 523, 607, 526, 596, 480, 536, 562, 472, 478, 555, 496, 519, 521, 568, 540, 1029, 561, 1028, 481, 582, 486, 570, 528, 586, 190, 146, 470, 290. [P]n 349, 332, 343—54 bales, and 192 cases of brandy; in all 53 bales, and 1 bale disputed by the captain of the lighter.

TH'S MERCER.

Matamoras, 29 Sept., 1863.

58 No. 5. Rec'd in good order from the ship Science, Captain John Read, from London, in lighter of Messrs. Foakey & Wilkins, on account of Wolf & Hildesheim, merchants at Matamoras, the undermentioned goods:

[B]479, 1013, 513, 525, 1051, 606, 227, 506, 139, 491, 1016, 492, 208, 482, 483, 506, 531, 392, 1032, 136, 427, 487, 507, 510, 429, 468, 564, 271, 471, 1012, 412, 600, 207, 1022, 298, 495, 1031.

[D]196, 194, 188, 154, 127, 187, 190, 160, 157, 165, 203, 136, 125, 164, 173, 189, 159, 179, 195, 168, 156.

In all 58 bales.

WILHAM, *for lighter.*

Matamoras, 2 Oct., '63.

No. 6. Rec'd in good order from the ship Science, Capt. John Read, from London in lighter of Foakey & Wilkins, on account of Wolf & Hildesheim, merchants at Matamoras, the undermentioned goods:

[B]499, 1010, 419, 424, 198, 435, 399, 587, 1038, 348, 338, 405, 1011, 1008, 512, 291, 199, 432, 396, 394, 193, 583, 454, 608, 293, 447, 559,
59 529, 537, 373, 345, 403, 404, 372, 294. 35 bales.

[D] 97, 128, 163, 89, 198, 151, 145, 142, 171, 147, 169, 167, 134, 148, 90, 177, 58, 188, 43, 120, 52, 88, 191, 155, 186, 192, 174, 139, 46, 207, 153, 180, 144, 140, 185, 124, 172, 126, 141. 39 bales.

In all 74 bales and 160 cases.

THOS. MERCER.

Matamoras, 2, Oct., '63.

No. 7. Rec'd in good order from the ship Science, Capt. Jno. Read, from London, in lighter of Foakey & Wilkins, on ac't of Wolf & Hildesheim, the undermentioned goods:

[B]542, 566, 386, 380, 547, 563, 534, 546, 533, 335, 604, 151, 382, 336, 441, 421, 464, 418, 393, 389, 411, 554, 197, 503, 565.

[D]56. In all 26 bales, brandy cases 436.

Matamoras, 3 Oct., '63.

60 UPPER EAST SMITHFIELD, *London*, 3 *June*, '63.

Capt. Read, barque Science:

Bought of Duncan, Wallett & Co., bonded store and provision merchants,

	£	s.	d.
1 box $\frac{1}{8}$, 56 lbs. tobacco, at 1-11	£5	9	
Discount $2\frac{1}{2}$		2	9
By cash $563.	5	6	3

DUNCAN, WALLETT & CO.,
Pr. WEYLES.

Capt. Jno. Read, and owner of the barque Science:

Bought of Duncan, Wallett & Co., bonded store and provision merchants:

	£	s.	d.
3 casks Cork butter, 204 lbs. net	10	4	
2 canisters tea	1	10	
$\frac{3}{4}$ cwt. coffee	2	18	1
1 cask raw sugar	3	9	11
1 loaf sugar		5	1
2 North Wilds cheese		17	
2-28 preserved potatoes	1	3	

1 doz. bottles preserved onions	£0	18	
12 lbs. composite candles		15	3
61 4½ tins mustard		7	6
24 currants	1	2	2
1 cask, 10 galls. rum	2	19	
½ cwt. finest codfish	1	2	9
2 4-4 tins soup bouillic	2	13	
2 middles bacon	1	7	10
5¼ tins baking powder	2	3	
Bond and customs cartage		18	6
	34	14	10
Discount, 2½ per ct		17	4
	33	17	6
17 cwt. cabin bread	13	3	6
4 tierces India beef	35	10	
1 bbl. rice	1	16	4
5 bushels split beans	2	1	
2 bbls. best Am. flour	3		
1 bbl. kiln-dried flour	1	12	
1 tierce cabin bread	2	19	6
	93	19	10
3 cwt. cabin bread	2	9	6
1 tin the Nonsuch biscuits 0 6 11			
2 North Wilds cheese 0 13 6			
4½ tins mustard 0 3 0			
	1	2	10
Discount, 12½ per cent., 7*d.*			
Repayment duplicate	97	12	2
2 mo's. interest, at 5 per cent		16	2
	96	16	0

DUNCAN, WALLETT & CO.,
Pr. WEYLE.

No. 1613, 20625.] No. 2 White Lion Court,
Cornhill, London, 30 June, 1857.

These are to certify that the barque Science, of Waterford, master, 306 tons, bound to , has been surveyed at Appledore, by the surveyors to this society, and reported to be, on the 15th June, 1857, in a good and efficient state, and fit to carry dry and perishable cargoes to and from all parts of the world, and that she has been classed and entered in the Register Book of this society, with the character A 1 for seven years from 1857, subject to periodical survey.

Original class 11 A, 1838.

Witness my hand. JNO. ROBINSON,

Charge 5*s.* *Chairman of the committee of classification.*

Geo. B. Scriffany, *Secretary.*

63 *Certificate of British registry.*

Signal letters R. M. I. N.

Official number of ship, 34,899; date of registry, 30 Oct., 1858; port number, 8—1858; name of ship, Science; British or foreign built: British built—built at Waterford in 1838; port of registry, Waterford; how propelled, by sails.

Number of decks, one and break; number of masts, three; rigged, bark; stern, square; build, carved; galleries, none; head, man figure; framework, wood.

Measurements:

Length from the fore part of the stem, under the bowsprit, to the aft side of the head of the sternpost	124 *f.*	5
Main breadth to outside plank	24	8
Depth in hold from tonnage deck to ceiling at midships	15	1 5-10

Name and address of builder, Wm. White & Co., Waterford.

Tonnage:

Tonnage under deck, under rule 1	298	65
64 Closed-in spaces above the tonnage deck, if any, viz:		
Space or spaces between decks		
Poop		
Round-house		
Other inclosed spaces, break	8	30
Total register tonnage	306	95-100

The undersigned, registrar of the port of Waterford, hereby certify that the ship, the description whereof is prefixed to my certificate, has been duly surveyed, and that the above description is true; that Joseph White, whose certificate of competency or service is No. 54,278, is the master of the said ship, and that the names, residences, and description of the owners and number of sixty-fourth shares held by them, as follows:

Thomas Elliott Angel, city Waterford, master mariner	16
Joshua W. Strangman, of same place, merchant	10
Thomas Thomas, of Bridgend, in the county of Glamorgan, gentleman	4
Thos Robinson White, of s'd city of Waterford, Henry White, merchants and joint owners	18
Jno. Angel, jr., of Liverpool, ship ag't	8
Joseph Jeffars, of New Ross, in the c'y of Wexford, merchant	8
Total	64

65 Dated at Waterford the 30th day of October, 1858.

J. N. BEAMONT, *Registrar.*

A certificate of registry granted under the merchant shipping act, 1854, is not a document of title.

I hereby certify that John Duck, the number of whose certificate of competency is 152,961, has this day been appointed master of the ship within described in the room of Joseph White.

Custom-house, Hull, 1 Dec'r, 1858.

JAMES SPANVERS, *Registrar port of Hull.*

CUSTOM-HOUSE, *Liverpool*, 11 *Dec'r*, 1861.

I hereby certify that John Smith, the No of whose certificate of competency is 14,745, has this day been appointed master.

JAS. C. DACONY, *R.*

CUSTOM-HOUSE, *London*, 2 *June*, 1863.

I hereby certify that John Read, No. 12,768, has this day become master of the ship within described.

M. CLUMM, *R.*

66 C 14,301.] CUSTOM-HOUSE, *London*, 9 *day of June*, 1863.

These are to certify that Mr. Bennett, ag't of the Science, official number , 306 tons register, of W'ford, from London to Matamoras, ⋈ by hath paid the sum of £2 15 shillings 6 pence, for light, &c., duties on the said voyage, as under stated.

(Signature) H. WOODJEART, *Collector.*

General coast lights per ton, per vessel, 5 7-16.
Local lights, per ton, per vessel.
By order in council dated 25 July, 1861, abatement 60 per cent.; net amount, £2 15*s.* 6*d.*

CUSTOM-HOUSE, *London*, 11 *May*, 1863.

C 10,531.]
These are to certify that Ogilby, the Science, official No. , of 306 tons register, of Waterford, from St. Lucia to London, by , hath paid the sum of £3 10*s.* 8*d.* for light, &c., duties for the said
67 voyage, as under stated.

W. MALONEY, *Coll'r.*

General coast lights per ton, per vessel, 5 11-16.
Local lights per ton, per vessel, 1*d.*
By order in council dated 25th July, 1861, abatement 60 per cent.; net amount, £3 10*s.* 8*d.*

Clearance.—A A *foreign-going ship No.* 206, *certificate for clearance outwards.*

Name of master, J. Read; of ship, Science; No. 34,879; port belonging to, Waterford; registered tonnage, 306.
Port of departure, London; destination of voyage, Matamoras.
I certify that the above-named master has engaged his crew before me, and has produced the certificates of himself and of such of his mates as are required to produce certificates, and has made the above-men-
68 tioned payments, or has otherwise complied with the provisions of the statutes in that behalf.
Dated at London, 3d day of June, 1863.

H. PENGELY, *Shipping master.*

Number of certificates, two. Science, J. Read, per Matamoras. Date of clearance, 9th June, 1853. Searcher's office, London.

JAMES E. COLES, *Searcher.*

Date of clearance with the collector, 9th June 1863.
(Signed) JN. MURRILLING, *Collector.*

Thos. Martin—victualling bill, granted number, 62,674.

PORT OF LONDON.

Bonded and drawback stores in the Science, John Read master, for
69 Matamoras; men 11; passengers or troops nil; guns, 306 tons.
Spirits foreign: Rum, brandy, Geneva, other spirits not sweetened, per gall., 2 1-7.
Spirits, British or plantation: Rum, gin, whisky, other spirits not sweetened, per gall., 9 5-10.
Wine, wine for drawback, beer for drawback, vinegar, per gall.
Tea, per lb., 24, 84 lbs; coffee, roasted for drawback; cocoa; cocoa paste; sugar refined, per cwt., 15 lbs.; sugar for drawback, per cwt.; sugar, unrefined, per cwt.; sugar, bastard, for drawback, per cwt., 2·20; molasses, per cwt.; tobacco for drawback, pr. lb., 5 lbs.; tobacco, negro-head, pr.
70 lb.; tobacco roll; segars; peppers; raisins, per cwt.; currants; figs; prunes, plums; sundries, surplus stores.
Examined.
(Signed) JAS. W. COLES, *Searcher.*

Cleared 9 June, 1863. J. MUNLLY, *Collector.*
Pr. BENNOTT & WAKE,
Brokers, 77 Cornhill, residence.

J. BRYNE.

Shipping bill attached. No. 5 shipping bill with duplicate transhipment goods. Science; master Smith, for Matamoras; country, Britain, tons.
J. T. HAMILTON,
Exporter or agent, Water Lane, residence.

71 Marks and numbers:
C. L. T. [L]3,655 cases, 7,500 gallons brandy, spirits not sweetened, transferred the Nix for Matamoras, as per bill 18-5, '63.
pr. NEWBURY.

Reported inwards, 18 May, 1863, ex-ship Dragon, master Wood, from Hamburg, cleared 3,654.
Date 29 May, '63.
Station where vessel is lying, Victoria Dock. Lighterman Hamilton, *L. S.*
No. 5, shipping bill 2,624. Transhipment goods. Duplicate. Bark Science, master Smith, for Matamoras.
J. L. HAMILTON,
Exporter or ag't, Water Lane, residence.

C. L. I.
$\frac{2201}{4000}$ 1800 cases brandy, each 12 5½, one thousand eight hundred cases,
72 cont'g three thousand two hundred and seven proof galls. brandy spirits not sweetened.
Reported inwards 26 May, 1863, ex-ship Boreas from Hamburg, cleared one thousand eight hundred. Lighterman Hamilton.
Date 26 May, 1863.

Doc A.

Letter from the captors to the judge of the dist. court U. S.

U. S. ST'R VIRGINIA,
Off the coast of Texas, Nov. 6th, 1863.

SIR: I have the honor to report to you the following particulars relating to the capture of the British barque Science, of Waterford:

Upon the 5th of November, 1863, I boarded the said barque, and found her lying in American waters, with the centre of the bar of the Rio Grande River bearing by compass west by south ½ south, distant about 2½
73 miles.

I found, by examination of her cargo books, that she had been discharging a quantity of bales; but upon inquiry of the captain and mate as to the contents of those bales, I was told that they could give me no information.

The cargo books, both of the receipt and delivery of these bales, and the bill of lading, seemed to be intentionally guarded as to stating the contents of the bales, and in no place where this part of the cargo was mentioned was there any clue as to their contents.

This studied obscurity gave rise to suspicion, and I told the captain that I should have to detain his vessel until I could be satisfied as to the contents of the bales.

Upon hearing this he said that some of the bales had been chafed
74 during the passage from London, and he saw that they contained woolen cloth. I then asked him the color of that cloth, and reluctantly he told me it was neither blue or grey, but a shade between those two colors.

This, of course, I knew to be the confederate uniform color, and immediately told the captain I took his vessel as a prize to the United States. The afternoon of the same day, Nov. 5, I seized the British brig Volant, from London, loaded by the same brokers and consigned to the same house in Matamoras, and upon her manifest I found 15 bales of woollen cloth of the same mark, [B,] and with numbers corresponding to the 293 bales discharged by the Science. I took samples of the 15 bales from the Volant, which I enclose with this report. The captain of the Volant also
75 stated that these 15 bales were the balance of an invoice sent by the Science. Upon these grounds I considered her a legal prize, and send her to New Orleans for adjudication.

At the time of the capture the U. S. st'rs Monongahela and Owasco were in sight, lying off Brazos de Santiago, and the officers of those vessels state that they were able to read signals at that distance.

Very respectfully, your most ob't serv't,

CH'S H. BROWN,
A. V. Lieut., comd'g U. S. st'r Virginia.

To the JUDGE OF THE U. S. DIST. COURT, *New Orleans.*

Claim and answer of De Jersey & Co., filed 28 *Dec'r*, '63.

United States Dist. Court for eastern dist. of La.

UNITED STATES
vs.
BRITISH BARQUE SCIENCE.

76 To the hon. the district court of the United States for the eastern district of Louisiana:

The claim and answer of De Jersey & Co., a commercial firm domiciliated in Manchester, England, and composed of subjects of the queen of Great Britain, but whose names are now unknown to their agent and proctors herein intervening for their interests in the cargo of the British barque Science, herein libelled by the United States, respectfully shows:

1. That they are the true and bona fide owners of ninety-seven bales cotton, of which 89 are marked F. R. and eight are marked, [S. R.,] forming a part of the cargo of the barque Science, libelled herein.

2. That respondents, through their agents, Focke and Wilkins, at the port of Matamoras, in Mexico, prior to the 5th day of November,
77 1863, did lade and put on board the barque Science the said 97 bales cotton, marked as aforesaid and consigned to , at Liverpool, for which carriage they engaged to pay freight at the rate of four cents per pound and 5 per cent. primage, at the exchange of the day for Mexican eagle dollars; that the said cotton was duly entered in the custom-house at Matamoras, and the Mexican duties paid thereon, and everything pertaining thereto conducted in strict conformity to law; and prior to the said shipment particular inquiry was made respecting the vessel, and assurance was received from the U. S. consul at Matamoras that there was no charge against the Science.

3d. That respondents are ignorant of the matters and things set forth in the libel, except so far as the same are matters of public notoriety, and they know of no reason why their property should be libelled and
78 condemned as prize to the United States; but, on the contrary, they allege and show that this cotton was regularly and lawfully shipped by alien friends of the United States, and should be forthwith restored to them.

4th. That all and singular the above allegations are true.

Wherefore claimants and respondents respectfully pray that a decree be entered restoring the 97 bales cotton to them, with all costs and all further general and equitable relief, with a reservation of all their legal rights in the premises.

FRED. MYSING.

DURANT & HORNOR, *Proctors.*

F. Mysing, agent and attorney in fact for claimants, sworn, says that all the facts and allegations in the above claim and answer are true.

FRED. MYSING.

Sworn to and subscribed before me this 28 Dec'r, 1863.

K. LOEW, *D'y Cl'k.*

79 *Claim to vessel and balance of the cargo.*

The U. S. dist. court for the east. dist. of La.

THE UNITED STATES
vs.
BARK SCIENCE, HER TACKLE AND CARGO. } In prize.

To the Hon. E. H. Durell, judge of the district court of the United States for the east. dist. of Louisiana:

John Read, of Tramore, Ireland, intervening for the interest of his principals, the owners of the bark Science, her tackle and cargo, against which vessel and cargo Rufus Waples, esq., the dist. att'y for the United States in the east. dist. of Louisiana, had filed a libel on behalf of the U. S., appears before this hon. court and claims all and singular the said bark and
80 cargo for his principals, and states that he was master of the said bark at the time of her seizure, as set forth in the libel aforesaid, duly appointed by the owners thereof, and that he is now the lawful agent for the said owners at this port, and the rightful bailee of said bark and cargo.

2. The claimant admits that the said bark Science, with the goods, wares, and merchandise laden therein, have been brought to the port of New Or-

leans, and are now at said port, within the jurisdiction of this hon. court. The claimant denies each and every of the allegations contained in the first, second, and fourth sections of said libel.

Wherefore claimant prays that said bark, &c., and cargo may be restored to the claimant or his principals, the said owners, with damages, demurrage, costs, fees, and expenses.

E. BRIGGS, *Proctor for claimant.*

81 John Read, the within claimant, duly sworn, maketh this his best oath, and says that the foregoing claim is true; that the facts and averments in the above claim are the truth in connection with the rights of this deponent and his said principals, the owners of the said barque and cargo.

That the said barque Science, with her tackle, apparel, and furniture and cargo, did belong prior and at the time of capture, and still do belong, and if restored will belong, to neutral owners.

JOHN READ.

Sworn to and subscribed before me this 28th Dec'r, 1863.

K. LOEW, *D'y Clk.*

Bond for costs.

82 UNITED STATES OF AMERICA,
Eastern District of Louisiana:

Know all men by these presents that we, John Read, as principal, and George Coppell, as surety, are held and firmly bound unto the U. S. of America, libellant, in the sum of two hundred and fifty dollars, lawful money of the United States of America, for the payment whereof to the said U. S., or assigns, we jointly and severally bind ourselves, our heirs, executors, and administrators, firmly by these presents.

Witness our respective names and seals hereunto affixed by us at New Orleans, this 28th day of Dec'r, one thousand eight hundred and sixty-three.

Whereas an admiralty warrant was lately issued out of the honorable the district court of the United States of America for the eastern district of Louisiana, at the suit of the U. S. *vs.* Bark Science, her tackle, apparel, and furniture, and numbered 7781 on the docket of the said court, commanding the marshal to seize and take into his possession the said bark and cargo, which has been seized accordingly; and whereas the said John Read having at the time of the signing, sealing, and delivery of these presents filed a claim thereto, which is now of record in the clerk's office of this court: Now the condition of the above obligation is such that if the said claimant and sureties shall satisfy all such damages and legal costs and charges as may be decreed against them, then the foregoing obligation is to be void, but otherwise shall remain in full force and virtue.

JOHN READ. [L. S.]
GEORGE COPPELL. [L. S.]

Sealed and delivered in the presence of—
K. LOEW.
W. T. JOHNSON.

83 *Order to open papers.*

UNITED STATES
vs.
BARK SCIENCE AND CARGO. } 7781.

On motion of the district attorney, ordered that he have leave to open the

sealed papers on file in this case. (Extract from the minutes of 5th January, '64.

Order cause fixed for trial.

SAME
vs.
SAME.

On motion of the dist. att'y, ordered that this cause be fixed for trial on Thursday, the 14th inst., at 10 a. m., and that all persons interested be notified thereof. (Extract from the minutes of 5th January, '64.)

Notices.

UNITED STATES
vs. 7781.
BARK SCIENCE.

To E. Briggs and Durant & Horner, Esqs.:

84 You are hereby notified that the above cause has been assigned for trial on Thursday, 14th Jan'y, '64, at 10 a. m.

By order of the court.

K. LOEW, *D'y Clk.*

N. O., Jan'y 5, 1864.

Service.

Rec'd Jan. 6, 1864, and served on Messrs. E. Briggs and Durant & Horner, personally, Jan'y 7, 1864.

D. CHRISTIE, *D'y U. S. Marshal.*

UNITED STATES
vs. 7781.
BARK SCIENCE.

It is ordered by the court that John L. Sheafe, esq., be appointed attorney to represent the captors in this case, and that he be duly notified thereof. (Extract from the minutes of 5th January, '64.)

Notice.

To Jno. L. Sheafe, Esq.:

85 Please to take notice that you have this day been appointed attorney to represent the captors in this case.

By order of court.

K. LOEW, *D'y Clk.*

N. O., Jan'y 5th, '64.

Service.

Rec'd Jan'y 6, 1864, and served on Jno. Sheafe, esq., personally, Jan'y 7, 1864.

D. CHRISTIE, *D'y U. S. Marshal.*

SAME
vs.
SAME.

Notice.

To Jno. L. Sheafe, Esq.:

You are hereby notified that the above cause has been assigned for trial on Thursday, 14th Jan'y, '64, at 10 a. m.

By order of court.

K. LOEW, *D'y Clk.*

N. O., Jan'y 5, 1864.

Service.

Rec'd Jan. 6, 1864, and served on John Sheafe, esq., personally, Jan'y 7, 1864.

D. CHRISTIE, *D'y U. S. Marshal.*

86 *Hearing and continuance.*

UNITED STATES
vs.
BARK SCIENCE AND CARGO. } 7781.

The cause came on this day for trial, district att'y on behalf of the U. S., Jno. L. Sheafe attorney for captors, E. Briggs and Durant & Horner for claimants, and the pleadings having been read, the dist. att'y offered in evidence the admiralty warrant, monition, and marshal's return, the testimony taken in *preparatorio*, the report of the prize commissioners, and the books and papers found on the vessel. The attorney for the captors offered Document A, and specimen of woollen cloth therein referred to, but the court held that the same could not be received in evidence at the present stage of the proceedings; whereupon counsel for captors and libellants
87 moved for leave to furnish further proof, and the court the cause to be continued till Saturday, 23d inst., at 10 a. m. (Extract from the minutes of 14th January, '64.)

(Document A is copied at page 72.)

Letter from the commander of the Monongahela claiming share.

U. S. STEAM SLOOP MONONGAHELA,
Brazos de Santiago, Texas, Nov'ber 6, 1863.

SIR: I have the honor to present the claim of the officers and crew of this ship, who are entitled to share in the prize bark Science, captured by the Virginia off the Rio Grande on the 5th inst.

This ship and the gunboat Owasco were within signal distance at the time of the capture.

A prize list has been forwarded to the Navy Department.

88 Very respectfully, your most ob't servant,

J. H. STRONG, *Commander.*

To the Hon. JUDGE U. S. DIS'T COURT,
New Orleans, La.

P. S.—If more proof that this ship was within signal distance is required, all the officers on board are ready to swear to it.

U. S. S. MONONGAHELA, OFF MOBILE BAY,
ALA, *Feb'y* 24, 1864.

I certify that this ship was within signal distance of the U. S. S. Virginia on the 5th of November, 1863, at the time she captured the English bark Science off Rio Grande, Texas.

DAVID KINDELBERGER,
Surgeon U. S. Navy.

The above was sworn to in my presence.

J. H. STRONG, *Commander.*

89 U. S. S. MONONGAHELA, MOBILE BAR,
Feb'y 24, 1864.

I certify that this vessel was within signal distance of the U. S. steamer Virginia when she captured the British bark Science, off the Rio Grande, Nov. 5, '63.

Very respectfully,

J. WALTER GRINNELL,
Act'g Master, U. S. N.

The above was subscribed and sworn to in my presence.
J. H. STRONG, *Commander.*

U. S. S. MONONGAHELA, OFF MOBILE BAR,
Feb'y 24, '64.

I certify that at the time of the capture of the British bark Science, Nov. 5, '63, by the U. S. st'r Virginia, this vessel was within signal distance of said capture.

FORBES PARKER,
Ass't Paymaster, U. S. N.

The above was sworn to in my presence.
J. H. STRONG, *Commander.*

90 *Order cause fixed for trial.*

UNITED STATES
vs.
BARK SCIENCE AND CARGO.

On motion of the district attorney, ordered that this cause be fixed for hearing on Wednesday, 9th inst., at 10 a. m., and that all parties interested be notified hereof.

Notices.

To E. Briggs, R. Waples, and Durant & Horner, esqs:

You are hereby notified that the above cause has been assigned for trial on Wednesday, 9th inst., at 10 a. m.

By order of court.

K. LOEW, *D'y Clk.*

N. O., March 7, 1864.

Service.

Rec'd March, 1864. Served personally on the above parties same day.
D. CHRISTIE, *D'y U. S. M'l.*

91 *Hearing and continuance March 9th, 1864.*

UNITED STATES
vs.
BARK SCIENCE AND CARGO.

This cause was this day called up for trial—district attorney for libellants, Durant & Horner for claimants De Jersey & Co.—when, on account of the indisposition of E. Briggs, esq., proctor for the claimants of the vessel and part of the cargo, the same was continued to Tuesday next, 15th inst., at 10 a. m.

Order further proof allowed to all parties.

UNITED STATES
vs.
BARK SCIENCE AND CARGO. } No. 7781.

This case was called up by consent of parties—district attorney for libellant, Durant & Horner and E. Briggs for claimants—when, after hearing counsel, it is ordered that further proof be allowed to the libellants
92 and captors as well as to the claimants, and that the cause be continued indefinitely. (Extract from the minutes of 16th March, 1864.)

Order appointing D. Augustin, esq., att'y to the captors, vice Sheafe, deceased.

UNITED STATES
vs.
BARK SCIENCE AND CARGO. } No. 7781.

It is ordered by the court that D. Augustin, esq., be appointed attorney to the captors in the place of J. L. Sheafe, esq., deceased, and that he be duly notified hereof.

Notice.

To D. Augustin, esq.: Please to take notice that you have this day been appointed attorney to represent the captors in this case.
By order of court.

K. LOEW, *D'y Cl'k.*

N. O., March 16, 1864.

Rec'd March 16, '64. Served on 17th March, '64, by personally.
D, CHRISTIE, *D'y U. S Marshal.*

93 *Notice to take testimony.*

UNITED STATES
vs.
BARK SCIENCE. } 7781.

To E. Briggs, D. Augustin, and Durant & Horner, esqs.: You are hereby notified that testimony will be taken in the above case on Thursday, 17th inst., at 10 a. m., at the clerk's office.

K. LOEW, *D'y Cl'k.*

N. O., March 16, '64.

Service.

Rec'd March 16, '64. Served on the above parties on Thursday, March 17, '64, personally.

D. CHRISTIE, *D'y U. S. Marshal.*

Testimony taken in presence of the dis't att'y, E. Briggs, D. Augustin, and Durant & Horner, esqs., in clerk's office, March 17, '64.

94 J. H. Rogers, acting master's mate of the Virginia at the time of the capture of the Science, and now acting ensign on same vessel, being sworn, says the Science was captured off the mouth of the Rio Grande, on 5th November, 1863, by the U. S. st'r Virginia. She had a cargo of cotton. She was about 3½ miles, I should judge, from the bar or

mouth of the Rio Grande, bearing west by south half south, magnetic. It was evident from the bearings that she was north of the division line. I should suppose she might have been in 5 or 6, and perhaps 7 or 8, fathoms water at the time of capture. She was in American waters when captured. I should judge she was about three fourths of a mile to the north of the line in American waters. I have been up and down that coast since Sept'r last, and am as familiar with it as a man can be with that experience. I
95 have often examined the chart of the coast of the Rio Grande. I had English and American charts, taken from the U. S. coast surveys. I have examined the charts to ascertain the position of the Science, and the result was that she was about three fourths of a mile to the north of the division line in Am. waters. The English charts showed pretty nearly the same result, and placed her in American waters at the time of capture. These English charts were taken from a prize vessel. The Science was at anchor when taken. Had conversation with the capt. on board his vessel. He did not tell me whether he was in American or Mexican waters when captured.

Cross-examined.

I should think that the Dashing Wave and the Volant were about three fourths of a mile distant from the Science. The Science was a little farther inshore than the other two vessels. From where I was I could see
96 the entrance of the channel.

Being asked whether a stranger arriving for the first time at the mouth of the Rio Grande could distinguish and see the entrance of the channel, says—

I do not know what the capt. would have to do with the entrance of the channel. A vessel of her size (the Science) cannot go in or out of the channel, and it is quite obvious for a sea captain coming there to see where the channel was from seeing the lighters go in and out in day time. The mouth of the river can be readily seen.

Re-examined.

I heard the capt. of the Science say that he had brought some bales and scrap iron, which formed the principal part of the cargo, but he did not know the contents of the bales, except that he saw one bale broken open that contained grey cloth. I have seen the cotton on board.

97 Witness being shown chart X, styled "Preliminary survey of the entrance of the Rio Grande from the U. S. coast surveys," marks upon that chart, by the use of the compass and ruler, the exact position of the Science at the time of her capture; also the division line of the middle of the channel down to the aforesaid place, and has marked the spot with pencil mark on said chart.

In the opinion of the witness, the chart is one of the best he ever saw. These observations are the result of his observations he made at the time of capture, when he took the bearings from the prize. The distance of the Science from the division line, as measured from the chart, allowing the variation of nine degrees, is one half or three fourths of a mile. I don't know where the cotton came from.

J. H. ROGERS, *Act. Ensign, U. S. N.*

98 *Testimony of N. A. Blume.*

N. A. Blume, sworn for captors, says: I am acting ensign of the U. S. st'r Virginia, and was so at the time of the capture of the Science. She was in

6½ fathoms of water when captured. I had no conversations with the captain of the Science. My opinion is that the Dashing Wave was about three fourths of a mile from the Science and the Volant about 1½ miles. I had no conversation with the captain. I concur with Mr. Rogers in his testimony generally except as above set forth, and I concur in the marks made by him on chart X as to the position of the vessel. My opinion is the the cotton came from Texas, as no cotton is raised in Mexico for exportation.

(Sig.) N. A. BLUME, *Act. Ensign.*

99 J. H. Rogers, acting master's mate at the time of the capture, and now acting ensign of the st'r Virginia, being sworn for captors, says: The Science was captured by the Virginia. No other vessel within signal distance at the time of capture. The Monongahela was within 11 miles distant, but not within signal distance in my opinion. I could see her hull and rigging, but could not make out her colors by aid of the spyglass.

J. H. Rogers, being sworn, says that the Virginia had reported to Commodore Bell as the commander of the western Gulf squadron, previous to the capture of the Science.

J. H. ROGERS, *Act'g Ensign, U. S. N.*

N. A. Blume, sworn, says: I corroborate the above testimony in all its particulars.

N. A. BLUME, *Act'g Ensign.*

100 *Order setting cause for trial.*

UNITED STATES } 7718.
vs.
BARK SCIENCE. }

On motion of the district attorney, it is ordered that the hearing of this cause be assigned for Friday, the 8th inst., at 10 a. m., and that the parties interested be notified hereof.

April 2, 1864.

Notice.

To R. Waples, E. Briggs, D. Augustin, and Durant & Horner, esq's: You are hereby notified that the above cause has been assigned for trial on Friday, 8th inst., at 10 a. m.

By order of court.

K. LOEW, *D'y Cl'k.*

N. O., April 2, '64.

Service.

Rec'd April 2d, 1864, and on the 4th of April, '64, served copies of the within notice of trial on R. Waples, E. Briggs, D. Augustin, and T. J. Durant, esq's, personally.

M. EGAN, *D'y U. S. Marshal.*

April 4th, 1864.

101 *Hearing and submission.*

UNITED STATES }
vs.
BARK SCIENCE AND CARGO. }

APRIL 8, '64.

This cause came on this day for trial—district attorney for libellants, E.

Briggs and Durant & Horner, esq's, for claimants—when, after hearing the evidence taken under the order for further proof, the cause was submitted to the court without argument. (Extract from the minutes.)

Order of court to hear further argument, (June 10th. '64.)

UNITED STATES
vs.
BARK SCIENCE. } 7781.

The court being desirous to hear further argument with regard to the position of the vessel at the time of capture, it is ordered that the hearing of the same be assigned for Monday, 13th inst., at 10 a. m., and that all the parties interested be notified thereof. (Extract from the minutes of 10th June, '64.)

102 *Service.*

Rec'd June 10, '64, and on the 11th of same month and year served copies of the within order on R. Waples, D. Augustin, E. Briggs, and Durant & Horner, esq's, personally.

D. CHRISTIE, *D'y U. S. Marshal.*

Hearing of further argument and submission, June 13, '64.

UNITED STATES
vs.
BARK SCIENCE. } 7781.

This cause came up for argument pursuant to the order of 10th instant, when, after hearing the argument of the district attorney and D. Augustin, esq., on behalf of the libellant and captors, and that of E. Briggs, esq., on behalf of the claimants, the court took time to advise. (Extract from the minutes.)

Decree of restitution, June 15, '64.

103 UNITED STATES
vs.
BARK SCIENCE AND CARGO. } No. 7781.

For the reasons now orally assigned by the court, and which shall be reduced to writing hereafter, it is ordered, adjudged, and decreed that the libel be dismissed, and that the vessel and cargo be restored to the claimants.

Judgment rendered June 15th, 1864, judgment signed June 21, 1864.

(Sig.) E. H. DURELL, *Judge.*

Petition of appeal, filed July 1st, 1864.

U. S. dist. court, east. dist. of La.

UNITED STATES
vs.
BARK SCIENCE AND CARGO. }

To the Hon. E. H. Durell, judge of the dist. court of the U. S. for the east. dist. of Louisiana:

104 The petition of Rufus Waples, U. S. dist. attorney, in the name and in the behalf of the United States of America, libellant, herein re-

spectfully represents, that a final sentence and decree were entered on the 21st of June, 1864, in the above-entitled cause, in the said U. S. dist. court for the east. dist. of La., in and by which decree and sentence it was ordered, adjudged, and decreed that the libel be dismissed, and that the vessel and cargo be restored to claimants; that said final sentence and decree is adverse to said libellant, and to his manifest injury and prejudice; that the matter in controversy exceeds the sum of $2,000; that your petitioner, in behalf as aforesaid, feels aggrieved by the rendition of said final sentence and decree, and is advised that the same is erroneous, and ought to be reversed. Wherefore said libellant in behalf as aforesaid doth hereby appeal from said final sentence and decree to the next term of the Supreme Court
105 of the United States, returnable on the first Monday of December next, and prays this hon. court to grant him a suspensive appeal from said final sentence and decree, the same to operate as a supersedeas, and that the said final sentence and decree may be reversed and such other decree thereupon made as to the said Supreme Court shall seem just, and that a transcript of the record and proceedings in this cause, duly authenticated, may be sent up to the Supreme Court of the United States without delay.

RUFUS WAPLES, *U. S. Att'y.*

Order.

A suspensive appeal to operate as a supersedeas is allowed in this case as prayed for, returnable to the Supreme Court of the United States the first Monday of December next, the libellant being dispensed from giving bond and security in judicial proceedings.

July 2d, 1864.

E. H. DURELL, *Judge.*

106 *Order to deliver personal property to the captain, July* 5, 1864.

UNITED STATES
vs.
BARK SCIENCE AND CARGO.

On motion of E. Briggs, proctor for chaimant, and on showing to the court that John Read, master, is desirous of leaving New Orleans, it is ordered that the U. S. marshal deliver up to him the following personal effects, to wit: 1 chronometer, 1 quadrant, 1 set charts, 1 case brandy, in his stateroom.

Receipt.

Rec'd from Jas. Graham, esq., U. S. marshal, the above-mentioned articles.

JOHN READ,
Master of the Science.

N. O., 6 July, '64.

Order authorizing U. S. com'r to take bond in the absence of court, Sept. 6, '64.

UNITED STATES
vs.
BARK SCIENCE. } 7781.

107 On motion of E. Briggs, esq., proctor for claimants, it is ordered that Chs. Claiborne, esq., U. S. commissioner, in the absence of the court, be authorized, on application on this behalf, to take bond for the vessel

and cargo; that he be further authorized to issue all orders necessary to effect the appraisement and delivery of the vessel and cargo to claimants on their giving good and sufficient stipulation in the appraised value of the same. (Extract from the minutes.)

Order taxing marshal's fees, Sept. 6, '64.

On motion of J. Graham, late U. S. marshal, and on exhibiting detailed statements of his fees and disbursements, the same were taxed by the court as follows:

Fees	$67 50
Disbursements	744 50
	812 00

Recommendation of prize comm'r for the sale of the vessel, filed 16 Sept., '64.

108 Dist. court of the United State for the east. dist. of La.

To the Hon. E. H. Durell:

SIR: The bark Science has been in the harbor in charge of the U. S. marshal over 11 months, and is now held in durance by an appeal. The summer heats have seriously damaged the hull of the vessel, and she is liable to sink if the ruin to her seams and caulking go on. In addition, her cargo is becoming materially damaged. For these reasons your prize commissioners would respectfully recommend that the cargo be removed to some safe warehouse, and that the vessel be sold after proper advertisement, and the proceeds of said vessel be held and deposited according to law.

Respectfully,

T. B. THORPE, *U. S. Prize Comm'r.*

Motion to sell vessel, made 16 Sept., '64.

109 UNITED STATES *vs.* BARK SCIENCE AND CARGO. } 7781.

Rufus Waples, esq., U. S. dist. att'y, in the presence of Edw. Briggs, esq., proctor for the claimants, moved the court to grant an order of sale of the bark Science; and in support of his application, exhibited the recommendation of Prize Commissioner Thorpe on file. And after hearing counsel, for the reasons orally assigned by the court, it is ordered that the application be denied at the present stage of the case, unless the claimants' proctor shall put on record that they do not desire to bond the vessel.

Refusal of claimants to bond, filed Sept. 19th, '64.

U. S. *vs.* BARK SCIENCE. } 7781.

Edward Briggs, proctor for the claimant and owner of the bark Science, agrees to the motion made to sell the same, and informs the court
110 that it is not the intention of said claimant and owner to bond said bark.

E. BRIGGS.

Order to store cargo and sell the vessel, Sept. 19, '64.

UNITED STATES
vs } 7781.
BARK SCIENCE.

It appearing now of record that the claimant and owner of the bark Science does not desire to bond her, it is ordered that the marshal do *unliver* and store the cargo in a secure place, and that he sell the said bark Science after complying with the legal formalities, the proceeds to be deposited as the law directs. (Extract from the minutes.)

Agreement relative to appeal.

UNITED STATES
vs. } 7781.
BARK SCIENCE AND CARGO.

111 It is hereby agreed that the log and cargo books of the bark Science be sent up to the appellate court in originals, with the transcript of appeal.

N. O., Sept. 28, 1864.

(Sig.) EDW. BRIGGS,
Proctor for Claim'ts.
RUFUS WAPLES, *U. S. Att'y.*

112 *Citation of appeal.*

United States district court, eastern district of Louisiana.

UNITED STATES
vs. } No. 7781.
BARK SCIENCE AND CARGO.

The United States of America to John Read, agent of the owners and claimants of vessel and cargo, greeting :

You are hereby cited and admonished to be and appear before the Supreme Court of the United States at its next term, to be holden in the city of Washington, D. C., on the first Monday of Dec'r, 1864, to answer the appeal taken by the United States, libellant in this cause, and that you show cause, then and there, if any there be, why the judgment rendered against the said libellant on 21st June, 1864, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable E. H. Durell, judge, this 2d day of July, in the year of our Lord 1864, and the 88th of the American independence.

E. H. DURELL, *Judge.*

113 And on the 5th day of July I proceeded to the clerk's office of the district court of the United States, and there served a copy of this citation of appeal on the within named John Read, said court-room being at No. 18 Royal street, in the city of New Orleans.

D. CHRISTIE, *U. S. Deputy Marshal.*

114 *Citation of appeal.*

United States district court, eastern district of Louisiana.

UNITED STATES
vs.
BARK SCIENCE AND CARGO. } No. 7781.

The United States of America to De Jersey & Co., claimants of a portion of the cargo, greeting :

You are hereby cited and admonished to be and appear before the Supreme Court of the United States, at its next term, to be holden in the city of Washington, D. C., on the first Monday of December next, to answer the appeal taken by the United States, libellant in this cause, and that you show cause, then and there, if any there be, why the judgment rendered against the said libellant on 21st June, 1864, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable E. H. Durell, judge, this 2d day of July, in the year of our Lord 1864, and the 88th of the American independence.

E. H. DURELL, *Judge.*

115 On July 5th, 1864, I proceeded to the office of Durant & Horner, attorneys for claimants, and served on Chas. W. Horner, esq., (a member of said firm,) a copy of this citation of appeal at his office, No. 18 Carondelet street, in this city, and upon the said C. W. Horner, esq., in person.

D. CHRISTIE, *Dep'y U. S. Marshal.*

[Here follows map, page 116.]

116 United States district court, eastern district of Louisiana.

I, Kilian Loew, deputy clerk of said court, do hereby certify that the foregoing 116 pages contain and form a correct and complete transcript of the original record and of all the proceedings had, documents filed, and evidence adduced, at the trial of the case of the United States *vs.* the Bark Science and cargo, No. 7781 of the docket, with the exception of the log and cargo books, which, under the agreement on file, go up to the appellate court, in originals, with the transcript.

In testimony whereof, I hereto set my hand and the seal of [SEAL.] said court, at New Orleans, this 8th day of October, A. D. 1864, and the 89th year of the American independence.

K. LOEW, *D'y Clk.*

[Rev. stamp, 5 cts.]

Filed Nov. 19, 1864.